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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/551,266	09/29/2005	Toshiro Akino	9694D-000025/US	3385

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EXAMINER
O TOOLE, COLLEEN J

ART UNIT	PAPER NUMBER
2816	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

TH

Office Action Summary	Application No.	Applicant(s)	
	10/551,266	AKINO, TOSHIRO	
	Examiner	Art Unit	
	Colleen O'Toole	2816	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 September 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *24 September 2007* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

The rejection of amended claims 1 and 2 under 35 U.S.C. 102(b) as being anticipated by Jin et al. ("On The Power Dissipation in Dynamic Threshold Silicon-on-Insulator CMOS Inverter," IEEE Transactions on Electron Devices, Vol. 45, No. 8, August 1998, hereafter Jin) is withdrawn in view of the added limitations.

Amended claims 1-8 remain rejected as explained below.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jin in view of Yamaguchi.

Claim 1: Jin teaches a lateral bipolar CMOS integrated circuit comprising:

an inverter circuit (Figure 3) comprising an n-channel MOS transistor (transistor in stage n-1 connected to GND) and a p-channel MOS transistor (transistor in stage n-1 connected to Vdd), and having four terminals of:

a gate input terminal Vin ("1" connected to stage n-1) connected with the gates of the n-channel MOS transistor and the p-channel MOS transistor;

an output terminal Vout ("0" connected between stages n-1 and n) connected with the drains of the n-channel MOS transistor and the p-channel MOS transistor;

a p-type base terminal connected with a p-type substrate of the n-channel MOS transistor (node between two diodes connected to the source and drain of the transistor in stage n-1 connected to Vdd); and

an n-type base terminal connected with an n-type substrate of the p-channel MOS transistor (node between two diodes connected to the source and drain of the transistor in stage n-1 connected to GND),

wherein the n-channel MOS transistor operates in a hybrid mode which is the hybrid of an operation mode of the MOS transistor and an operation mode of an npn lateral bipolar transistor which is inherent in the n-channel MOS transistor, and

the p-channel MOS transistor operates in a hybrid mode which is the hybrid of an operation mode of the MOS transistor and an operation mode of a pnp lateral bipolar transistor which is inherent in the p-channel MOS transistor. The inverter chain in Figure 3 teaches the structure of n-channel and p-channel MOS transistors and will inherently function in a hybrid mode.

Jin does not teach a first or second current source. Yamaguchi teaches a current source (321) in Figure 13 connected with the p-type base terminal of the n-channel MOS (the NMOS of the inverter) and a current source (323) connected with the n-type base terminal of the p-channel MOS transistor (the PMOS of the inverter). It would have been obvious to one skilled in the art at the time the invention was made to have used the controlled transistors taught by Yamaguchi in the inverter taught by Jin to

reduce current consumption and increase the speed of operation in the inverter circuit (column 4 lines 11-16).

Claim 2: Jin further teaches that the gate input terminal ("1" connected to stage n-1), the p-type base terminal and the n-type base terminal are input terminals of the inverter circuit (Figure 3), and the output terminal ("0" connected between stages n-1 and n) is an output terminal Vout is an output terminal of the inverter circuit (Figure 3), and

the inverter circuit outputs, at the output terminal ("0" connected between stages n-1 and n), a high-level or low-level voltage fed to the gate input terminal as an inverted level voltage (Figure 3).

Claim 3: Yamaguchi further teaches that currents from the current source (321) connected with the p-type base terminal of the n-channel MOS transistor and the current source (323) connected with the n-type base terminal of the p-channel MOS transistor are maintained at 0 when the input voltage to the gate input terminal is approximately constant at a high level or low level (according to control signal CNT), when the input voltage to the gate input terminal switches from the low level to the high level, a forward pulse current flows from the current source connected with the p-type base terminal of the n-channel MOS transistor to the p-type base terminal in synchronization to switching, and

when the input voltage to the gate input terminal switches from the high level to the low level, a forward pulse current flows from the current source connected with the

n-type base terminal of the p-channel MOS transistor to the n-type base terminal in synchronization to switching (Figure 13, column 12 lines 50-59).

Claim 4: Jin further teaches a voltage source (Vdd, Figure 3) and a ground source (GND, Figure 3). Jin does not teach two current sources. Yamaguchi teaches a current source connected with the p-type base terminal of the n-channel MOS transistor (321) is formed by a pull-up n-channel MOS transistor comprising a source terminal, a drain terminal and a substrate terminal, the drain terminal is connected with the p-type base terminal (base terminal of the NMOS transistor connected to ground taught by Jin), and the source terminal and the substrate terminal are connected with the voltage source (VBB1); and the current source connected with the n-type base terminal of the p-channel MOS transistor is formed by a pull-down n-channel MOS transistor (323) comprising a source terminal, a drain terminal and a substrate terminal, the drain terminal is connected with the n-type base terminal (base terminal of the PMOS transistor connected to Vdd taught by Jin), and the source terminal and the substrate terminal are connected with the ground source (VBB3) (Figure 13). It would have been obvious to one skilled in the art at the time the invention was made to have used a PMOS current source instead of an NMOS current source to fit design parameters. The selection of something based on its known suitability for its intended use has been held to support a *prima facie* case of obviousness. *Sinclair & Carroll Co. v. Interchemical Corp.*, 325 U.S. 327, 65 USPQ 297 (1945).

3. Claims 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jin in view of Yamaguchi, and further in view of Shimomura et al. (as cited in the Information Disclosure Statement dated September 29th, 2005). Claims 5 through 8 recite the same limitation and only differ in their parent claims.

Claims 5-8: Jin and Yamaguchi teach the circuits of claims 1, 2, 3, and 4. Neither Jin nor Yamaguchi teach that the inverter circuit is used as a CMOS standard cell and in hybrid mode. Shimomura teaches that the inverter circuit comprising the n-channel MOS transistor and the p-channel MOS transistor is used as a CMOS standard cell in the operation mode of the MOS transistor, but is used in the hybrid mode when a large load is connected with an output from the CMOS standard cell ([0016]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the functionality of the semiconductor integrated circuit taught by Shimomura in the circuit taught by Jin and Yamaguchi to reduce power consumption ([0016]).

Response to Arguments

4. Applicant's arguments filed September 24, 2007 have been fully considered but they are not persuasive.

Applicant asserts that Yamaguchi does not teach a current source connected with the p-type base terminal of the n-channel MOS transistor and a current source connected with the n-type base terminal of the p-channel MOS transistor. Examiner respectfully disagrees. Yamaguchi teaches a first current source (NMOS transistor 321; Figure 13) connected with the p-type base terminal of the n-channel MOS transistor (the

NMOS transistor in the inverter to which 32 is connected). The current source 321 applies a current and a bias voltage to the p-type base terminal of the n-channel MOS transistor which is connected to 32 since it is well-known in the art that the substrate of an NMOS transistor is p-type (column 11 lines 26-33 further explains Figure 8 which further explains Figure 13). Yamaguchi further teaches a second current source (NMOS transistor 323; Figure 13) connected with the n-type base terminal of the p-channel MOS transistor (the PMOS transistor in the inverter to which 32 is connected). The current source 323 applies a current and a bias voltage to the n-type base terminal of the n-channel MOS transistor which is connected to 32 since it is well-known in the art that the substrate of a PMOS transistor is n-type.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Colleen O'Toole whose telephone number is (571) 270-1273. The examiner can normally be reached on M-F 8:30-5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Richards can be reached on (571) 272-1736. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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PRIMARY EXAMINER